

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

715Q0443

HOUSE BILL NO. 1258

Introduced by: Representatives Feinstein, Engels, Feickert, Gibson, Gosch, Killer, Kirkeby, Kirschman, Krebs, Lederman, Lucas, Lust, Moser, and Thompson and Senators Adelstein, Bartling, Dempster, Hansen (Tom), Jerstad, Merchant, Peterson, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to allow certain children of overseas citizens to vote in the
2 state.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-4-4.4 be amended to read as follows:

5 12-4-4.4. Any overseas citizen ~~shall have the right to~~ may register and vote in any federal,
6 state, county, or local election held within South Dakota under the following conditions:

7 (1) The overseas citizen, or the spouse or parent of the overseas citizen, was last
8 domiciled in South Dakota immediately prior to departure from the United States;

9 (2) The overseas citizen does not maintain a domicile, is not registered to vote, and is not
10 voting in any other state;

11 (3) The overseas citizen is otherwise qualified to vote according to law.

12 Section 2. That § 12-4-4.5 be amended to read as follows:

13 12-4-4.5. The overseas citizen ~~shall be allowed to~~ may register and vote absentee in the same
14 county and election precinct in which the overseas citizen, or spouse or parent of the overseas



1 citizen, resided immediately prior to leaving the United States.

2 Section 3. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 If an overseas citizen who has never resided in South Dakota is eligible to register to vote
5 pursuant to § 12-4-4.4 as the child of an overseas citizen, the voter registration of the child shall
6 be accompanied by a photocopy of the child's United States passport identification page and an
7 overseas registrant form indicating where the child's parent is registered to vote in South
8 Dakota. The State Board of Elections shall prescribe the overseas registrant form.